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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,406	03/08/2004	Chad Aerts	3591-1347	9026
757	7590	09/15/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			VU, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,406	AERTS, CHAD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen A. Vu	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/9/04, 5/20/04, 7/26/04, 8/20/04.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/20/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Miotto et al (#6,406,093).

With regards to claims 1,14-15,20,22,25,31-32,34, and 37:

Miotto et al show a furniture component, as illustrated in Figures 1-2, comprising a base element having an enlarged edge portion, a first securing member comprising a channel, wherein the enlarged edge portion is disposed in the channel. A fabric piece is disposed around at least a portion of the first securing member. A second securing member is disposed around the first securing member with the fabric piece secured between the first and second securing members.

With claims 2,8, and 35-36 the channel comprises a first channel and one of the first securing member and the second securing member has a ridge. The other of the first securing member and the second securing member comprises a second channel, wherein the ridge is disposed in the second channel.

With claim 3, the first securing member comprises the ridge and the second securing member comprises the second channel.

With claims 4 and 33, the first securing member comprises a second ridge, wherein the second securing member comprises a third channel.

With claim 5, at least one fastener secures the first securing member to the enlarged edge portion of the base element.

With claim 6, at least one fastener has a plurality of fasteners engaging the first securing member on opposite sides of the channel.

With claim 7, the fasteners are staples.

With claim 9, the gripping member has a ridge extending towards the base element.

With claim 10, the gripping member has a first gripping member and the second securing member further comprising a second gripping member. The second gripping member engages the second channel of the first securing member to secure the second securing member to the first securing member.

With claims 11 and 29, the base element forms part of a chair.

With claims 12, 19, and 30, the base element forms part of a backrest.

With claim 13, the backrest comprises a compliant material with a pattern of holes.

With claims 16 and 20, the securing member has a first arm, a second arm, and a gripping member. The first arm and the gripping member define at least in part the second channel.

With claim 17, the gripping member comprises a ridge extending inwardly towards the first arm.

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With claim 18, the first channel opens in a first direction and the second channel opens in a second direction different from the first direction.

With claim 21, the second arm includes an inwardly facing lip, and wherein the lips of the first and second arms engage the base element.

With claim 23, the second securing member comprises an inner layer made of a thermoplastic material and an outer layer made of a thermoplastic elastomer material.

With claims 24 and 38, the piece of fabric is mechanically attached to the securing member.

With claim 26, the securing member comprises a channel with an interior and a mouth. The interior of the channel has a first width and the mouth has a second width, wherein the first width is greater than the second width.

With claim 27, the second width is smaller than a thickness of the enlarged edge.

With claim 28, the securing member comprises a plurality of notches spaced along at least part of the length of the securing member.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Severinski, Bostrom et al, Linder et al, Bernard et al, and Venuto et al are cited as showing similar types of furniture component.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Vu whose telephone number is 571-272-6862. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu  
September 7, 2005